



# California Fair Political Practices Commission

April 15, 1986

Vigo G. Nielsen  
Nielsen, Hodgson, Parrinello & Mueller  
The Hartford Building  
650 California Street, Suite 2650  
San Francisco, CA 94108

Re: FPPC No. A-86-099

Dear Mr. Nielsen:

This is in reply to your letter dated March 10, 1986, concerning the campaign disclosure provisions of the Political Reform Act. You asked for confirmation of two points concerning campaign reports and statements which are sent by "guaranteed overnight mail through the United States Postal Service."

Gov. Code Sections 84203 and 84204 require that late contributions and late independent expenditures be reported by:

mailgram, telegram, guaranteed overnight mail  
through the United State Postal Service or  
personal delivery within 24 hours...

Gov. Code Sections 84200.7, 84200.8 and 84202.5 require that the second pre-election statement and "Supplemental Pre-Election Statements" shall be delivered in person or "by guaranteed overnight mail through the United States Postal Service."

With regard to your specific questions, the Commission's interpretation is as follows:

(1) Late contribution reports and late independent expenditure reports which are sent by guaranteed overnight mail through the United States Postal Service are required to be sent within 24 hours of making or receiving the late contribution or making the late independent expenditure. This means that the report must be received by the United States Postal Service within 24 hours of the time the contribution is received or made or the expenditure is made. 1/ The receipt

1/This applies, also, to reports which are filed by mailgram or telegram; such reports must be received by Western Union within 24 hours. Reports which are personally delivered, however, must be received by the filing officer within 24 hours.

Vigo G. Nielsen  
April 15, 1986  
Page Two

provided by the United States Postal Service for guaranteed overnight mail service is evidence that the 24-hour requirement has been met.

(2) Guaranteed overnight delivery services such as Federal Express, DHL, Airborne, etc., are not acceptable for filing late contribution or late independent expenditure reports, or for filing the second pre-election or "Supplemental" pre-election statements. All reports which are sent by guaranteed overnight delivery service must be sent through the United States Postal Service.

Thank you for your inquiry.

Sincerely,



Jeanne Pritchard  
Division Chief,  
Technical Assistance and  
Analysis  
(916) 322-5662

JP:cah

LAW OFFICES OF  
NIELSEN, HODGSON, PARRINELLO & MUELLER

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

SACRAMENTO

THE HARTFORD BUILDING

1030 FIFTEENTH STREET, SUITE 250  
SACRAMENTO, CALIFORNIA 95814  
TELEPHONE (916) 446-6752

650 CALIFORNIA STREET, SUITE 2650

SAN FRANCISCO, CALIFORNIA 94108

TELEPHONE (415) 989-6800

FILE NUMBER

March 10, 1986

Ms. Jeanne Pritchard  
Fair Political Practices Commission  
428 J Street, Suite 800  
Sacramento, CA 95814

Re: Late Contribution Notices

Dear Jeanne:

Because of the discussion at the FPPC's public seminar on campaign disclosure held at the State Building in Oakland, California on February 27, 1986, would you clarify the Commission's position regarding the filing of late contribution notices?

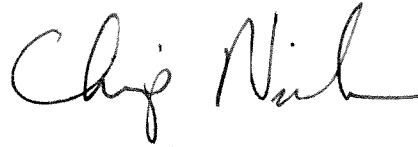
1. Are late contribution and late expenditure notices required to be sent within 24 hours? Our understanding is that a contributor or a recipient of a late contribution has 24 hours from the time the contribution or expenditure is made or received to put in the guaranteed overnight delivery service of the United States Post Office a statement of such fact but that such notification sent by guaranteed overnight mail service through the U. S. Post Office need not be received by the filing official within 24 hours of sending or receipt.

2. Is it correct that other "guaranteed" overnight delivery services such as Federal Express, DHL, Airborne, etc. are not acceptable for filing late contribution or independent expenditure notices nor are they acceptable for filing the pre-election campaign statement? Our understanding is that only guaranteed overnight delivery through the United States Post Office (Express Mail) is permitted to satisfy the timing based on sending within the 24 hour deadline.

Ms. Jeanne Pritchard  
March 10, 1986  
Page 2

If I have correctly stated the FPPC's position and you wish to sign the bottom of this letter as confirmation, please return it to me in the enclosed envelope. If other clarification is necessary, thank you in advance for your assistance.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Vigo Nielsen".

Vigo G. Nielsen, Jr.

VGN:bah

---

Jeanne Pritchard

---

Date